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REFORMING OUR LAND USE AND DEVELOPMENT SYSTEM

"Governments ought never to underestimate the power of our complicated systems to pervert their good intentions into unintended results".

(Greenspan Report, 1978)

"We're going to cut the approvals process in half".

Premier, June 8, 1988 meeting of GTA Regional Chairmen

"We made a commitment to cut out red tape and all the things that make it hard for builders to build things quickly".

Minister of Housing on Global T.V., May 2, 1989

"I believe we are deeply divided on the merits and desirability of development and growth. Given this, any discussion of speeding up and easing the steps in the planning and approvals process is skirting the main issue".

Treasurer, April 24, 1989

AUGUST, 1989



REFORMING OUR LAND USE AND DEVELOPMENT SYSTEM

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EXECUTIVE SUMMARY



The Problem

- Rapid growth has exposed the lack of unanimity on the merits of growth and development, as well as revealing the inflexibility of our regulatory system to deal with unanticipated challenges.
- We have reached a state of decision-making paralysis on issues of land development. Opinion is seriously divided on the merits and desirability of growth and development, resulting in unproductive debates and lengthy delays in reaching decisions on important development issues and initiatives.
- "Regulatory gridlock" threatens our land use planning system. The development approvals system has become so complex that few people understand it and the process has become an end unto itself. Rather than a vehicle for good decision making, the process has become subverted to serve the vested interests of all participants.
- Finding a sustainable balance between economic growth and environmental objectives must be a priority. If the regulatory process impedes rather than supports a growing, competitive economy, it has failed in achieving its central purpose and requires fundamental reform.
- Changes are required in the way we look at growth and development, the approach we take to planning for it, the sharing of responsibilities with local governments and the nature of our approvals and appeals processes.

Objectives

- This paper sets out a possible agenda and timetable for implementing reform of our land use and development system.
- The objectives guiding reform of the present land use and development system are:
 1. Harmonizing provincial and municipal roles and responsibilities, based on the principle of local empowerment and recognition of the competence and expertise of regional municipalities, cities and other local governments. Some county governments will require provincial direction and assistance to achieve the objective of assuming more responsibility for land use decision making.

2. A clearly articulated and integrated framework of provincial interests and policies bearing on land use development, with which municipalities must comply and which incorporates the principle of sustainable development.
3. The Province's ability to intervene in matters of overriding provincial interest and to respond to appeals by municipalities on issues exceeding local competence or jurisdiction must be ensured.
4. Responsibility for developing and ensuring implementation of the Province's land use and development system should be consolidated and assigned to a single Cabinet minister.
5. An efficient and fair regulatory system which recognizes the desirability and inevitability of growth and clearly established provincial objectives and standards, but does not prescribe how local governments should meet them.

An Agenda for Reform

- The most readily achievable and productive reform measure available to the Province is to withdraw from multi-agency, multi-level reviews of planning documentation, e.g. official plan amendments, zoning by-laws, plans of subdivision.
 - Implementing this major reform represents a long-delayed follow-through on the 1983 revisions of the Planning Act and requires only political direction to change existing practice rather than legislative amendment.
- Minimizing provincial intervention in local planning decisions will address the need to achieve significant progress toward reform as early as possible in order to show provincial commitment and our intended direction. New legislation will be required, however, to complete the reform agenda.
- More importantly, it must be recognized that the existing system is deeply entrenched at the provincial and municipal levels. Realistically, it will be difficult to change attitudes and practices quickly.
- A strong Government commitment will be required to demonstrate the benefits of reform to those who may be concerned about weakening of the Province's environmental or planning standards, e.g. the Province must show it will vigorously protect the Niagara Escarpment per its Niagara Escarpment Plan and that reform of the process to amend the Plan will be consistent with maintaining those standards of protection.
- Municipalities may view the restructuring of roles and responsibilities as part of a larger provincial move toward off-loading. The Province must be prepared to help municipalities to deal with transitional impacts, local staffing requirements and new financial arrangements. Assistance in the form of grants and advisory services will be funded from savings realized through substantial reduction in provincial resources now dedicated to regulatory activities which can and should take place at the local level.

Proposed Action Plan

- Below is outlined a highly optimistic timetable for implementing reform which allows little time for internal debate or outside consultation.

September 1989:

- Premier, Treasurer and Minister of Housing and Municipal Affairs agree on proposed framework for reform and on consolidation of responsibility for developing and implementing a new land use and development system.
- The Ministry of Municipal Affairs prepares a draft Submission based on the Advisory Group report for the first meeting of the Cabinet Committee on Housing and Community Development.
- Establish a small Implementation Team reporting through the Minister of Housing and Municipal Affairs to the Cabinet Committee on Housing and Community Development.

October 1989:

- Cabinet approves Submission on reform policy and implementation program for streamlining Planning Act approvals.
- Cabinet makes decision on Seaton to demonstrate its commitment to expediting developments supporting provincial objectives, such as affordable housing, by making timely decisions.
- Follow-up consultation with Regional Chairmen.
- The Minister of Housing and Municipal Affairs announces new policy and explains it to target audiences (e.g. Regional Chairmen, AMO):
 - Principles - e.g. harmonization, empowerment, efficient regulatory system.
 - Articulation of overriding provincial interests will give direction to the new system.
 - Sets out reform agenda including introduction of urban structure plans, implementation team and implementation timetable.

- Announces termination of provincial review of official planning amendments, secondary plans, zoning by-laws and plans for subdivision submitted after January 1, 1990 for all Regions, cities and counties with recently approved OP's and by September 1, 1991 for remaining municipalities with capability to assume responsibility.

October 1989 to September 1990:

- Implementation Team under direction of Cabinet Committee on Housing and Community Development undertakes the following:
 - Prepare corporate level policy statement on land use and development, as recommended by the Regional Chairmen, to place the Government's land use policy in the context of its broader economic, social and environmental objectives. Components of the statement would identify: priorities among provincial interests, provincial and municipal responsibilities, provincial interests which currently lack policy statements.
 - Prepare new Planning Policy Statements and revise existing Policy Statements:
 - As intended when the Planning Act was revised, Planning Policy Statements will identify provincial standards and objectives for municipalities, focussing on the results that are required, rather than providing detailed directions on how to achieve these results.
 - Policy Statements will require municipal compliance rather than "due regard".
 - Policy Statements will be limited to land uses of priority provincial interest and should therefore be few in number. In addition to the approved and proposed Policy Statements, at a minimum statements will be needed for open/green space needs and utility corridors.
 - Statements of provincial interest on matters outside the scope of the Planning Act - e.g. community and regional development, infrastructure planning and investment, specific provincially owned lands - should be identified and initiated. While statements to deal with specific geographic issues can only be prepared as they arise, the Implementation Team should develop criteria for identifying issues which would require statements of provincial interest.
 - Initiate work with Regions and large urban areas to develop urban structure plans based on the Greater Toronto Area model. Phasing-in of mandatory structure plans to replace OP's. Priority for large, rapidly growing Regions.
 - Develop strategy to implement third party attestation at provincial and municipal levels.

- Priority should be given to amending the Planning Act and OMB Act in order to streamline OMB appeals process by eliminating minor appeals, e.g. variances, consents.
- Initiate development of new legislation to unify the land use planning and approvals process (i.e. consolidate Planning and EA Acts in a new Sustainable Development Act).

October 1990 to September 1991:

- Provincial policy framework in place.
- Complete assignment of responsibilities to local governments.
- Legislative approval of new Sustainable Development Act, which consolidates existing land use and environmental legislation (e.g. Planning Act, Municipal Act, Ontario Municipal Board Act, Environmental Assessment Act, Parkway Belt Act, Niagara Escarpment Act, Planning and Development Act, Environmental Protection Act, Ontario Water Resources Act).
- Develop and implement enhanced municipal education and support services program.
- Downsize and restructure ministries to reflect new mandates. Disband Implementation Team.

GOVERNMENT MUST RECOGNIZE DEVELOPMENT AS A NECESSITY - NOT AN OPTION

- Population and economic growth must be accepted as inevitable and desirable. Ontario's population is projected to grow by between 1.9 to 3.7 million by the year 2011. While no growth in the Greater Toronto Area has been considered an option by some, a large share of the projected population growth will occur in the GTA. Experience has shown that government is severely limited in its ability to influence patterns of growth significantly. Making the GTA unattractive to investment by starving it of necessary infrastructure would only impose unacceptable costs on its people and businesses, risk driving jobs outside of the Province and permanently damaging a major source of provincial prosperity.
- Remaining economically competitive must be a priority. Being competitive in turn requires not only an expanding, highly skilled labour force, but also increasing capital investment in plants and machinery, efficient regulatory systems and high quality, efficient public infrastructure. Without a competitive and growing economy, the wealth needed by the Government to meet its social policy, environmental and equality of opportunity objectives would not be available.
- Government policy has a critical role to play above and beyond the traditional areas of job creation, promotion of investment and, more recently, technology and human resource enhancement. In particular, it is the Government's responsibility to:
 - Provide the public infrastructure necessary to support growth (roads, sewers, etc.), based on a beneficiary pay financing policy. Where possible, this investment should anticipate growth pressures rather than react to them in order to minimize the cost and tensions of growth.
 - Ensure that the benefits of growth are enjoyed by all regions of the Province, within the limitations of the Government's ability to determine the location of growth, and recognizing the importance of maintaining a strong and growing economy in the Greater Toronto Area.
 - Ensure that growth is orderly and environmentally responsible. This requires some regulatory presence, the establishment of standards and enforcement, particularly at the local level.
- Ideally the regulatory process recognizes the desirability and inevitability of growth, as do other elements of public policy, and is conducted in a way that minimizes costs and growth bottlenecks. However, if the process becomes a means of impeding growth by increasing its cost and complexity, it has failed in achieving its central purpose and requires fundamental reform.

- The challenge to be met is not stopping growth, but rather putting in place economic development and environmental policies and processes to achieve orderly and sustainable development and to deal with the problems and challenges presented by it.

WHAT IS WRONG WITH WHAT WE ARE DOING NOW?

- Over the last four years, economic and population growth accelerated more rapidly than anticipated, not only in the GTA but across the Province. The presence of rapid growth has exposed some major deficiencies in our decision-making process respecting land development issues, our provincial and municipal land use planning and approvals processes and our approach to infrastructure investment planning and financing.
- Major deficiencies include:

Decision-making

- An inability to make decisions in the absence of unanimity.
- A lack of political and corporate commitment to growth and development, failing to recognize that the Province's proper objective is to foster and manage growth in an economically and environmentally sustainable manner.
 - This has manifested itself in our inability to deal with land development issues, such as the Rouge Valley lands, involving difficult trade-offs in policy objectives and values.
- Inability of Provincial ministries and agencies to think beyond their own narrow mandates.

Process

- The system is too complex, inefficient, duplicative and fragmented (see Appendix).
 - It is poorly understood by both those in ultimate authority and the general public, and subject to manipulation by interests who can afford expensive planning consultants and lawyers and can wait out opposition.
 - There is no single locus of responsibility, authority is dispersed among numerous Provincial ministries, upper and lower tier municipal governments, and special purpose bodies.
 - Applications are being circulated to ministries, municipal departments and agencies for comment whether or not they have a legitimate interest in the application or may be duplicating reviews of others. In addition, ministries are commenting on an issue at multiple stages of the process, i.e. official plans, secondary plans, zoning by-laws, and plans of subdivision.

- A culture of review and comment pervades the process, with the objective of meeting the formal requirements outweighing substantive considerations or timely decisions. The process feeds on itself.
- Approvals are too lengthy, costly and staff intensive.
 - In some cases, it can take up to seven years to bring raw land in a large municipality from an agricultural designation to development. On average, approval of a subdivision takes 3.3 years.
 - Up to 25 per cent of the total cost of building can be attributed to the planning process.
 - Over 2,000 person-years are involved at the provincial level alone in activities directly related to the development approvals process.
- The "approvals" orientation of the system places the onus of responsibility on the public sector rather than the proponent and professional community.

Practice

- The process has become an unintended vehicle to defer or avoid difficult decisions, by shifting responsibilities to other bodies or requiring "more studies".
- Staff have too much discretion to interpret policy. Reviewers may be inexperienced or unqualified to review the subject matter. As a result, provincial staff sometimes "make policy" where Cabinet approved policies do not exist. In "grey areas" of policy, staff tend to err on the side of excessive information requirements and strict interpretation.
- There is a gap between legislative requirements and actual practice. The high degree of local discretion built into the system results in as many different approvals processes as there are municipalities. Councils use their discretion to ignore Provincial priorities such as affordable housing.
- Development control is being used by local councils to "wheel and deal", thereby increasing the potential for conflict of interest.

Appeals

- The adversarial, quasi-legal nature of the OMB and EAB has created an environment that discourages reason and compromise, undermines ministry-client relations, puts ministries in conflict with each other in public forums and results in high front-end costs.
- The OMB is overburdened by the volume of its caseload because it spends a large portion of its time on minor matters such as consents and applications for variances and severances.
- Hearings and appeals have become an unintended avenue to delay projects.

- Cabinet has been willing to intervene and make decisions on a large and growing number of essentially local matters.
- The appeal processes have to some degree been subverted to the purpose of delaying and stopping development.

Infrastructure Investment Planning

- Inadequate long term planning and constrained capital budgets have resulted in the Province and local governments facing a major backlog in infrastructure investment.
- The Infrastructure Financing Review estimated that about \$56 billion (1989\$) would need to be spent over the next 10 years, with the Province's share being about \$41 billion. This level of spending would require additional Provincial and municipal expenditures totalling \$1.5 billion per annum over the next 10 years.
- Regardless of the Province's intent to redress this problem, our ability to respond adequately within the time frame is constrained by the lengthy delays imposed by our own regulatory requirements.

BASIC PRINCIPLES TO GUIDE REFORM

The following principles are suggested to guide reform of the land development approvals and appeals process:

1. Economic and environmental policies and processes should be integrated in a balanced planning framework.
2. Consistent with the objectives of local empowerment and harmonization, the Province should be less paternalistic in its relationship with local governments. Accordingly, responsibilities for "good" land development planning and implementation should be vested in the lowest competent level of government.
3. The Province has a leadership role to play:
 - to provide a planning policy framework for achieving long term development and environmental objectives, while allowing municipalities more freedom in the short term to make local decisions;
 - to establish a legislative and regulatory framework to guide the overall land development process;
 - to articulate clearly Provincial interests including health, safety, and construction standards;
 - to monitor and ensure compliance with provincial policies and interests;
 - to ensure major infrastructure requirements are planned for and in place to guide and accommodate growth; and
 - in working with the GTA municipalities to decide how the area should grow.
4. In addressing Provincial interests, policies and practices must be sensitive to the needs of different areas of the Province, e.g. the remote North, rural and small communities.
5. Land development policies and processes must be simpler, less costly and staff intensive, understandable, balanced, and predictable in their application.
6. To reduce duplication and to ensure liability is properly assumed by the private sector, the principle of "third party attestation" should be implemented to give engineers, planners, architects, and builders greater accountability for assuring policies and standards are met.

7. Within the Government's commitments to open government and public consultation, more realistic expectations must be encouraged, emphasizing the social costs of delay and the use of focussed public consultation, pre-hearing consultation and arbitration. NIMBY-based opposition to development should be discouraged.

PROVINCIAL INTERESTS

- The Province's interests and responsibilities should be defined under the direction of the new Cabinet Committee on Housing and Community Development for consideration by Cabinet.
- Within the broadly defined sustainable development goals of the Government, the Province's specific interests and responsibilities should be defined using provincial policy statements which together will constitute an integrated policy framework.
- Existing planning policy statements under Section 3 of the Planning Act cover mineral aggregates, housing and flood plain development. Additional policy statements are being developed on agricultural land, wetlands and environmental land use compatibility.
- Other existing land use and development policies outside the Planning Act structure include Transportation Directions for the GTA, the Ministry of Natural Resources' Strategy for Land Use Planning, provincial parks policy, etc. A lengthy list of regulations also establishes de facto development policies and needs to be reviewed with the objective of eliminating those that are not necessary.
- The existing policy framework and regulatory system reflects an outdated protectionist perspective rather than one built on the principle of sustainable development. With the exception of the Housing Policy Statement, Section 3 policy statements are all aimed at containing and limiting growth, rather than managing growth.
- There has been no attempt to date to link these policy statements or to deal with coordination and potential conflicts. Rather it has been left to the ministries to work out problems on a case by case basis. The Cabinet Committee on Housing and Community Development provides an appropriate forum to resolve interministerial differences and to ensure policy coordination.
- To guide identification of provincial interests and to provide a common reference framework, a new corporate level policy statement on land use and development is needed. This statement would place the Government's land development policy in the context of its broader economic, social and environmental objectives.
- This statement should incorporate the following components:
 - How priorities should be set among provincial interests.
 - Clearly delineate provincial and municipal responsibilities and spheres of activity.

- Identify additional provincial strategic interests not covered within current framework, e.g.
 - . Community and regional development.
 - . Greenspace needs.
 - . Utility corridors.
 - . Infrastructure planning and investment.
 - . Provincially owned lands.
 - . Specific geographic issues.
- Identify appropriate Provincial institutional arrangements to provide coordination and implementation.
- In considering its initial agenda, the new Committee on Housing and Community Development should give top priority to addressing the problems of reforming the development approvals process.

REFORMING THE LAND USE DECISION-MAKING PROCESS

- The unprecedented rates of urban growth experienced by municipalities after World War II required a high degree of provincial intervention to ensure orderly patterns of development and the provision of infrastructure on a larger scale.
- This rationale has prevailed to the present, although municipalities' capacity to determine their future direction and administer their own affairs has grown and matured significantly.
- The desirability of local empowerment, warranting substantial withdrawal by the Province from the development approvals process, was recognized in the creation of regional governments in the 1970's.
- The 1983 revisions of the Planning Act were based on the principle that good planning is a local responsibility. However, the changes in provincial policy and practice which would bring about greater local accountability and devolution of approval and decision-making powers have not been implemented.
- Some of the intentions of the 1983 Planning Act which have not been achieved include:
 - An adequate set of planning policy statements;
 - Conflicts between priorities are still being resolved at the OMB rather than within an integrated Provincial policy framework;
 - Widespread delegation of the Minister of Municipal Affairs' approval powers to municipal councils;
 - Provincial intervention should be limited to policy compliance in official plans;
 - Power to waive approval of official plan amendments;
 - Maximum input from the public and agencies during development of Official Plans was intended to reduce the need to modify plans after local political approval - this objective has been undermined by repeating the process following local approval;
 - Circulation period intended to be (relatively) short;
 - Ability to declare provincial interest and remove decision making from the OMB is rarely used and criteria for defining provincial interest have not been developed.

AN AGENDA FOR REFORM

- A program of reform should reflect the directions for change in the 1983 Planning Act and contain the following basic elements:
 - A framework of policy and strategic interests which municipalities are compelled to reflect in their land development decisions.
 - A clear statement of the roles and responsibilities of each level of government in land development should be prepared, reflecting the principles of local empowerment and harmonization.
 - An early and firm schedule for terminating provincial ministerial review and approvals of official plan amendments, secondary plans, zoning by-laws, plans of subdivision. Municipalities will still be required to notify the Province of major amendments.
 - The Province's withdrawal from commenting would be phased in, beginning immediately with those Regions, cities and counties having recently approved official plans, followed within 18 months by the remaining municipalities having the capacity to assume responsibility.
 - The Province will assist those counties and small municipalities which need to strengthen their ability to take on increased land use decision-making responsibilities.
 - Wherever provincial approvals continue to be required, measures should be implemented to shift the onus for satisfying policies and standards to the professional community and the proponent. Provincial review should be consolidated to the extent possible in one ministry, preferably the Ministry of Municipal Affairs.
 - Regional Municipalities and large urban areas, as a condition of receiving long term provincial capital infrastructure financing commitments, should be required to develop structure plans which would: set out long term population and employment growth targets; identify major infrastructure requirements, their locations and staging; comply with provincial policies; and be subjected to a revised (shorter, more focussed) environmental review and approval by the Province.
 - The upper-tier structure plans will replace regional official plans, and local municipal plans will be required to conform to the structure plans. Local plans will address specific local land uses and zoning in a format which consolidates the official plan, secondary plans and development controls.

- With the recommendations of the AMO/Industry/Government Steering Committee Report as a starting point, measures to consolidate and streamline the existing approvals and appeals processes, including Environment Assessment, should be implemented.
- Over the longer term, new legislation should be developed with the objective of fully integrating environmental and local planning considerations into one simple and efficient process that can be delivered at the local level.
- A more detailed proposal for reforming the development approvals process is outlined in the table appearing on the following pages. Issues relating to the implementation of the proposal for reform are discussed in Section 8.

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
<p>I REDEFINE PROVINCIAL ROLE</p> <p>(1) Set policies and standards reflecting provincial interests, e.g. Transportation Directions for GTA, Building Code, Policy Statements</p> <p>(2) Withdraw from review and approvals of local O.P.'s, O.P.A.'s, subdivisions, etc.</p>	<p>(1) - Consolidate and assign responsibility for developing and ensuring the implementation of the Province's policies to the Minister of Housing and Municipal Affairs</p> <ul style="list-style-type: none"> - Advise Cabinet on gaps in policy framework, implications of integration and conflicts - Develop new policy statements, including a corporate level land use and development objectives statement - Divest standards which can be handled by municipalities <p>(2) - Effective January 1, 1990 for municipalities with O.P.'s approved within the past 5 years</p> <ul style="list-style-type: none"> - September 1, 1991 deadline for remaining regions and large municipalities - Counties phased-in as they acquire ability to assume delegated responsibilities - Province continues to approve upper-tier O.P.'s/structure plans - Province retains right to intervene on matters of Provincial interest - Identify changes or problems in Planning Act, Municipal Act, other legislation - One-time planning advisory grants to bring municipalities up to speed 	<p>(1) - Municipalities looking for provincial guidance</p> <ul style="list-style-type: none"> - Perceived Provincial indecision and inaction - Corporate goals replace ministry goals - Local empowerment <p>(2) - Duplication of review at two or more levels- "Too many players"</p> <ul style="list-style-type: none"> - Significant reduction of staff requirements - Significant progress toward Premier's 50 per cent approvals time reduction - Let mature, politically accountable municipalities make their own mistakes

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
<p>I REDEFINE PROVINCIAL ROLE (cont'd)</p> <p>(3) Third party attestation</p> <p>(4) Selective intervention in major issues and projects</p>	<p>(3) - Accept certification from professionals (engineers, architects, planners, etc.) that proposals meet provincial standards, strengthen professional liability</p> <ul style="list-style-type: none"> - Provincial interests be defined and standards put in place if missing - Provincial accreditation of professionals and disciplinary powers must be strengthened <p>(4) - Limited to issues/projects of Provincial interest, e.g. involving development of Provincial lands, major impact on housing objective</p> <ul style="list-style-type: none"> - Local governments can appeal to Province on matters beyond local competence or jurisdiction (e.g. cross-boundary issues) - Cabinet backs ministries in the event their client groups object to scoped processes or use of provincial leverage - MMA reviews major amendments to local OP's, identifies Provincial interests and contacts affected Ministries 	<p>(3) - Returns responsibility for their products to professionals</p> <ul style="list-style-type: none"> - Removes misplaced liability from the Province - Less staff requirements - Less second-guessing - Less protracted reviews, hearings <p>(4) - Decision-making paralysis</p> <ul style="list-style-type: none"> - Over-crowded Cabinet agendas - More proactive Provincial agenda - Avoid imposing leverage on too many fronts and every proposed development

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
<p>1 REDEFINE PROVINCIAL ROLE (cont'd)</p> <p>(5) Macro-level infrastructure planning and financing, including approval of Structure Plans</p> <p>(6) Monitoring and enforcement of municipal compliance</p>	<p>(5) - GTA Structure Plan is a priority and possible model</p> <ul style="list-style-type: none"> - Extended to other Regions and large urban areas per schedule devised by MMA - Provincial approval of structure plans includes financial commitment to staging of development <p>(6) - Municipal compliance obligatory, ensured by stronger Provincial monitoring system</p> <ul style="list-style-type: none"> - MMA and other ministries develop strategy to use municipal grants and other assistance programs as levers to ensure compliance - Commitment to use Minister's full powers under Planning Act to enforce compliance - Post-audit and self-monitoring by municipalities progressively imposed to extent possible 	<p>(5) - Improved capital investment planning and coordination- "no surprises"</p> <ul style="list-style-type: none"> - Better match between growth and investment - Provides guidance to local government investment decisions - Allows Province to focus its resources on major infrastructure <p>(6) - Renews Provincial leadership role, not reaction</p> <ul style="list-style-type: none"> - Fair and equitable treatment for all municipalities - Ensures meaningful policy and standards - Reinforces local government accountability

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
<p>REDEFINE PROVINCIAL ROLE (cont'd)</p> <p>(7) Assist smaller and remote communities to develop capacity to responsibly handle planning-related functions</p> <p>(8) Limit scope for appeals to Province</p>	<p>(7) - Through the proposed Implementation Team, rejuvenate municipal planning and administration advisory and educational services</p> <ul style="list-style-type: none"> - Initial service free, fee-for-service charge for follow-up contact resulting from non-compliance - Teach municipalities how to obtain technical and planning advisory services in the market place - Establish one-window provincial offices to provide improved accessibility <p>(8) - Review all appeals provisions in legislation with the objective of limiting Cabinet appeals to issues of overriding Provincial interest</p>	<p>(7) - Speed up compliance</p> <ul style="list-style-type: none"> - Raise level of local competence - Protects provincial interest at minimal cost - More lead time for smaller municipalities to prepare for growth or adjust to economic restructuring - Improves Provincial visibility and accessibility <p>(8) - Municipal councils should be accountable for decisions on local matters</p>

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
<p>II REDEFINE MUNICIPAL ROLE</p> <p>(1) Regional Municipalities and Large Urban Areas</p> <p>(2) Local Municipalities</p>	<p>(1) - Statutory requirement to develop structure plans based on population projections, employment and related infrastructure needs</p> <ul style="list-style-type: none"> - Redefinition of Official Plans - Planning and financing major infrastructure (roads, sewer, water, waste management) - Inter-regional linkages, boundary issues - Terminate planning and review approvals - Integrated provision of services (waste management, water, sewer, police, etc.) <p>(2) - Planning approvals including zoning, variances, severances, subdivisions vested in council or committee of council</p> <ul style="list-style-type: none"> - Require decisions within 60 days or application is automatically referred to OMB - Severances, easements, variances appealed to full local council, no appeal to the OMB - Municipalities required to inform MMA of major amendments to OP's 	<p>(1) - Duplication of plans and lack of conformity</p> <ul style="list-style-type: none"> - Less room for decisions influenced by large developers and less incentive for toll-gating - Improved coordination and planning for cross-boundary facilities (roads, transit, utility corridors, parks) - Duplication of review and approvals - Simpler, more comprehensible process <p>(2) - Significant progress toward one-window planning approvals</p> <ul style="list-style-type: none"> - Decision-making vested in those accountable to affected parties - Scope of plans more focussed on land concerns - Reduces workload and staffing requirements of OMB - Improved streamlining at local level - Reduces toll-gating practices which undermine the protection of community interest in planning

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
II REDEFINE MUNICIPAL ROLE (cont'd) (2) Local Municipalities (cont'd)	<ul style="list-style-type: none"> - Local Plan must conform to Structure Plans and consolidate secondary plans and development control into one plan - Provincial assistance to identify opportunities for streamlining - Amend Municipal Act to require councillors to resign if conflict of interest is not declared 	
III STREAMLINE OMB	<ul style="list-style-type: none"> - Eliminate de novo hearings - Hearings only on specific issues - Onus of proof on applicant to show council decision in error - Imposed mandatory time limits (60 days) for decisions - Minor appeals (e.g. severances, consents, easements, etc.) transferred to local council 	<ul style="list-style-type: none"> - Speed up process - Less costly hearings - Significantly reduced OMB workload (40%), allowing more rapid processing of remaining cases

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
IV UNIFY THE LAND USE PLANNING PROCESS	<p>EAPIP Review exercise proceeds with new Cabinet direction based on the following options:</p> <p>(1) - Amend Planning Act to incorporate environmental considerations</p> <ul style="list-style-type: none"> - Deem approval under Planning Act to satisfy EA requirements for municipal projects, projects under Planning Act, all projects to which EPA does not apply - Strengthened environmental regulations (MISA, CAP) may eliminate need for EA over longer term <p>(2) - Develop new statute to consolidate and replace Planning and EA Acts</p> <ul style="list-style-type: none"> - Approval under new Act may be deemed to satisfy requirements of other Acts - Applies to both private and public sector projects <p>(3) - Amend EA Act to limit process to designated projects only</p> <ul style="list-style-type: none"> - Define major impacts and/or categories of projects which will trigger EA designation 	<ul style="list-style-type: none"> - Eliminate duplication, less "process" - Conflict among ministries - Major reviews limited to projects warranting most detailed evaluation

RECOMMENDED ACTION	RESPONSIBILITIES/INITIATIVES	PROBLEMS ADDRESSED
IV UNIFY THE LAND USE PLANNING PROCESS (cont'd)	<p>Other Changes:</p> <ul style="list-style-type: none"> - Amend definition of "environment" in EA Act to "physical, natural environment" - Introduce scoping to limit issues in review and/or hearings - Identify and amend other overlapping legislation (e.g. Niagara Escarpment, Conservation Authorities) 	

IMPLEMENTATION

Implementation Issues

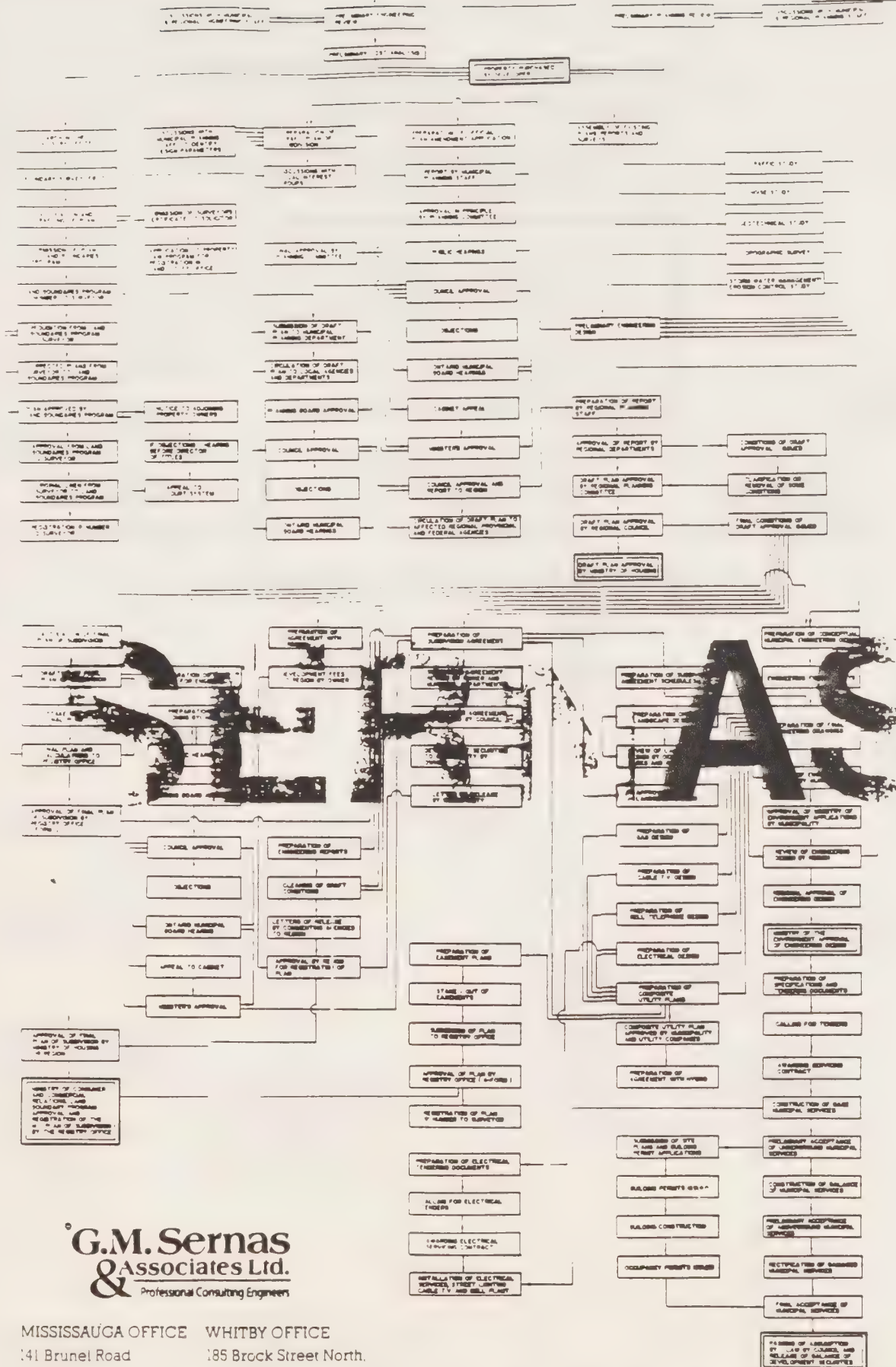
- The land use and development system is well entrenched, with strongly vested interests both inside and outside the Provincial Government.
- Implementing the agenda outlined in Section 7 will require radical and pervasive changes in attitude, at both the political and bureaucratic levels, toward the development and approval processes themselves, Cabinet's role in decision-making and appeals, current institutional arrangements and provincial staffing allocations.
- A significant increase in the responsibilities of local governments, with corresponding pressures on staffing and expenditures, may be met with resistance. Support at the regional municipal level may be forthcoming if concerns about short term cost impacts can be mollified. Many municipalities feel comfortable with Provincial review process and may complain it is being materially weakened.
- Private sector opportunities for planning and engineering consultants will be enhanced. The legal profession can be expected to resist.
- In withdrawing from the local development approvals process, it should be recognized that the Government may be giving up significant leverage for getting municipalities to do what the Province wants.
- It is critical that the Government be committed to seeing the reform program through, and if necessary to implementing it without full consultation or cooperation from affected parties. If it is aborted prematurely, the exercise may do more harm than good.
- Extensive consultation will be required to convince those affected that the need for radical change is real and justified. The cooperation and commitment of ministers and senior management in ministries whose mandates will be drastically altered will be essential.

Implementation Strategy

- Responsibility for carrying out the implementation program discussed in this report should be assigned to a single-purpose group containing the necessary technical expertise and lead by senior executives skilled at garnering cooperation and acceptance from diverse vested interests (i.e. ministries, municipalities, professional and other groups).

- We propose that an implementation team, comprised of non-seconded staff from throughout the Government and experts drawn from the private sector, be established for no longer than two years. The Implementation Team would report to the new Cabinet Committee on Housing and Community Development through the Minister of Housing and Municipal Affairs.

APPENDIX



MISSISSAUGA OFFICE
141 Brunel Road
Mississauga Ontario
L4Z 1X3
Bus (416) 890-8483
FAX (416) 890-8499

WHITBY OFFICE
185 Brock Street North,
Suite 207
Whitby, Ontario L1N 4H3
Bus (416) 668-0764
Toronto Line (416) 683-5541

LAND DEVELOPMENT PROCESS
GENERALIZED FLOW CHART

PROPOSERS' PLANNING PROCESSES
INCLUDING ENVIRONMENTAL PLANNING

PROJECT IDENTIFICATION, RESEARCH
AND PRELIMINARY SCREENING

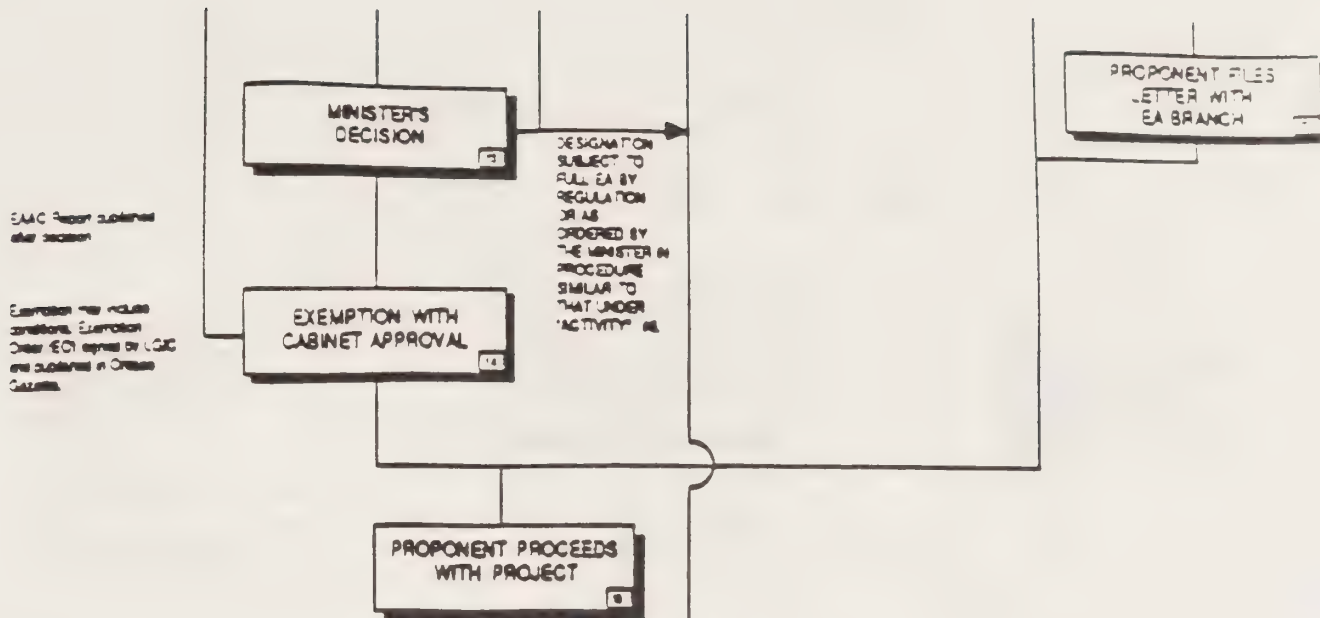
PROPOSER IDENTIFIES UNDERTAKING,
THEREFORE ACT APPLIES

- 1) interpret understanding from the Act
- 2) support or "excuse" an exemption
- 3) add or remove any term and condition of an exemption.

Example: $2x^2 + 3x - 5 = 0$
 A: not applicable
 Example: $3x^2 + 2x - 1 = 0$
 A: applicable
 Section 4

SECTION 1 (a) 2 (b) 3 (c) 4 (d) 5 (e) 6 (f) 7 (g) 8 (h) 9 (i) 10 (j) 11 (k) 12 (l) 13 (m) 14 (n) 15 (o) 16 (p) 17 (q) 18 (r) 19 (s) 20 (t) 21 (u) 22 (v) 23 (w) 24 (x) 25 (y) 26 (z) 27 (aa) 28 (ab) 29 (ac) 30 (ad) 31 (ae) 32 (af) 33 (ag) 34 (ah) 35 (ai) 36 (aj) 37 (ak) 38 (al) 39 (am) 40 (an) 41 (ao) 42 (ap) 43 (aq) 44 (ar) 45 (as) 46 (at) 47 (au) 48 (av) 49 (aw) 50 (ax) 51 (ay) 52 (az) 53 (ba) 54 (bb) 55 (bc) 56 (bd) 57 (be) 58 (bf) 59 (bg) 60 (bh) 61 (bi) 62 (bj) 63 (bk) 64 (bl) 65 (bm) 66 (bn) 67 (bo) 68 (bp) 69 (bq) 70 (br) 71 (bs) 72 (bt) 73 (bu) 74 (bv) 75 (bw) 76 (bx) 77 (by) 78 (bz) 79 (ca) 80 (cb) 81 (cc) 82 (cd) 83 (ce) 84 (cf) 85 (cg) 86 (ch) 87 (ci) 88 (cj) 89 (ck) 90 (cl) 91 (cm) 92 (cn) 93 (co) 94 (cp) 95 (cq) 96 (cr) 97 (cs) 98 (ct) 99 (cu) 100 (cv) 101 (cw) 102 (cx) 103 (cy) 104 (cz) 105 (da) 106 (db) 107 (dc) 108 (dd) 109 (de) 110 (df) 111 (dg) 112 (dh) 113 (di) 114 (dj) 115 (dk) 116 (dl) 117 (dm) 118 (dn) 119 (do) 120 (dp) 121 (dq) 122 (dr) 123 (ds) 124 (dt) 125 (du) 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- SECTION 5(1): A PROPOSITOR OF AN UNDERTAKING TO WHICH THE ACT APPLIES SHALL SUBMIT AN EA TO THE MINISTER AND SHALL NOT PROCEED UNTIL THE EA IS ACCEPTED BY THE MINISTER AND THE MINISTER GIVES APPROVAL TO PROCEED.
- SECTION 5(2): THIS DOES NOT PROHIBIT A FEASIBILITY STUDY, INCLUDING RESEARCH, OR ANY ACTION NECESSARY TO COMPLY WITH THE ACT PRIOR TO APPROVAL.
- SECTION 6: WHERE A PROPOSITOR IS REQUIRED TO SUBMIT AN EA, NO LICENSES / PERMITS ETC. WILL BE ISSUED OR LOANS / GRANTS ETC. GIVEN UNTIL THE EA HAS BEEN ACCEPTED AND THE UNDERTAKING APPROVED (EXCEPT FOR MATTERS LISTED IN 5(2)).

ROLES OF MINISTRY / PROPOSITOR

Proponent responsible for initiating and carrying out PSC at early stages of planning;

EA Branch administers the EA Process and provides advice on requirements of EA Act;

Proponent consults with EA.

Proponent may request a hearing.

Hearing cannot start until after publication of "Notice of Commencement" (minimum 30 days)

Sections 7(3) + 12.2(2)

Prior to notice of Commencement, proponent may withdraw or amend EA at any time.

Section 7(3)

Review co-ordinated by the EA Branch including a schedule up to "Notice of Commencement"

Ministry advises Minister if research is necessary to address problems with EA, both before and after "Notice of Commencement"

ACTIVITY

PROPOSITOR DOES STUDY AND PREPARES ENVIRONMENTAL ASSESSMENT (EA)

PROPOSITOR SUBMITS EA TO THE MINISTER

SECTION 6.1

MINISTER CAUSES REVIEW OF ASSESSMENT TO BE PREPARED

SECTION 7.1(6)

GENERAL COMMENTS

PRESUBMISSION CONSULTATION (PSC) POLICY 05-01-01, NOV. 12, 1997

- not a legislative requirement;
- optional consultation with affected parties as data gathered;
- consultation / responses provide technical information and advice on how best the undertaking addresses their policy interests;
- addresses key values and interests of concerned parties.

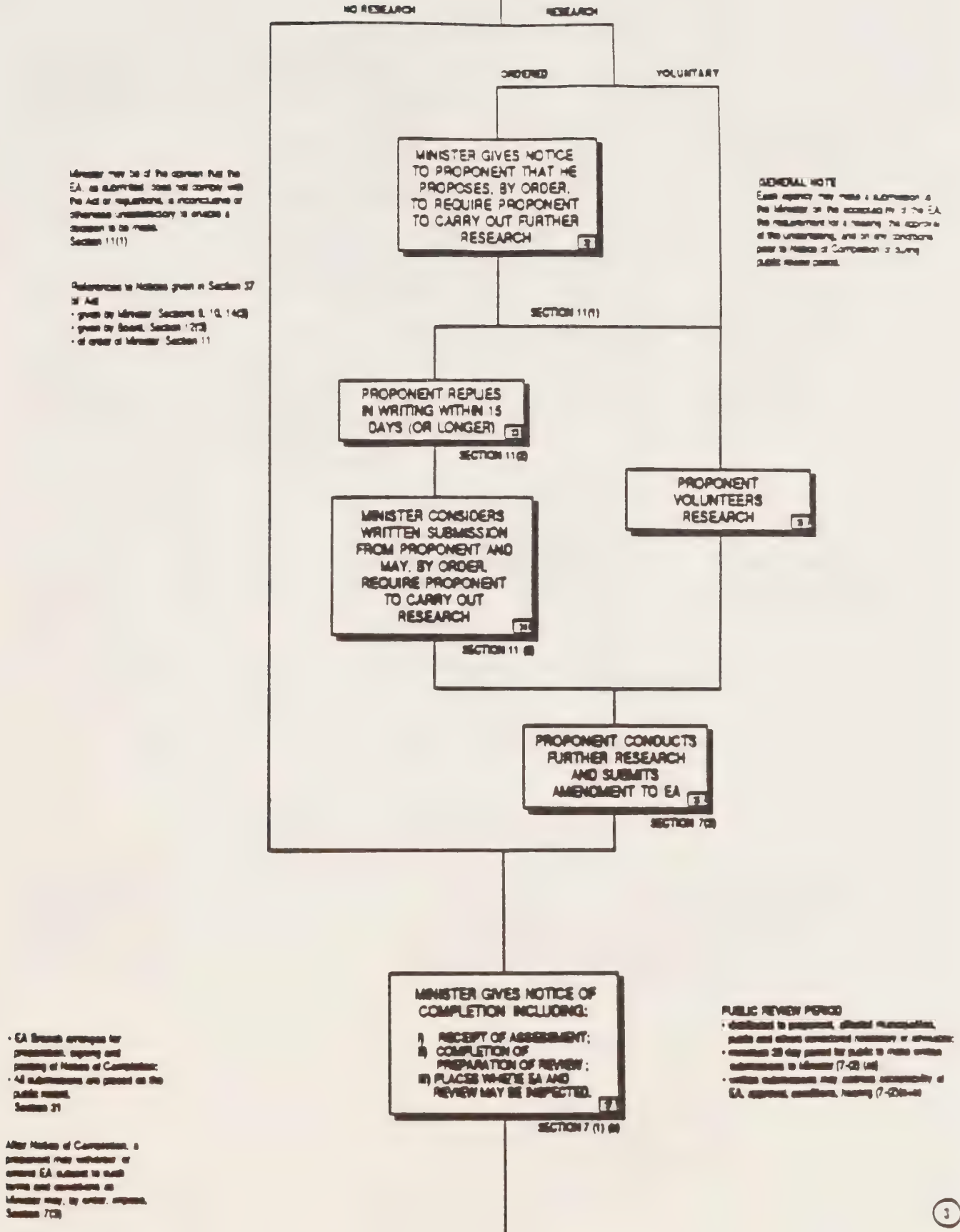
CONTENTS OF EA - Section 5(2)

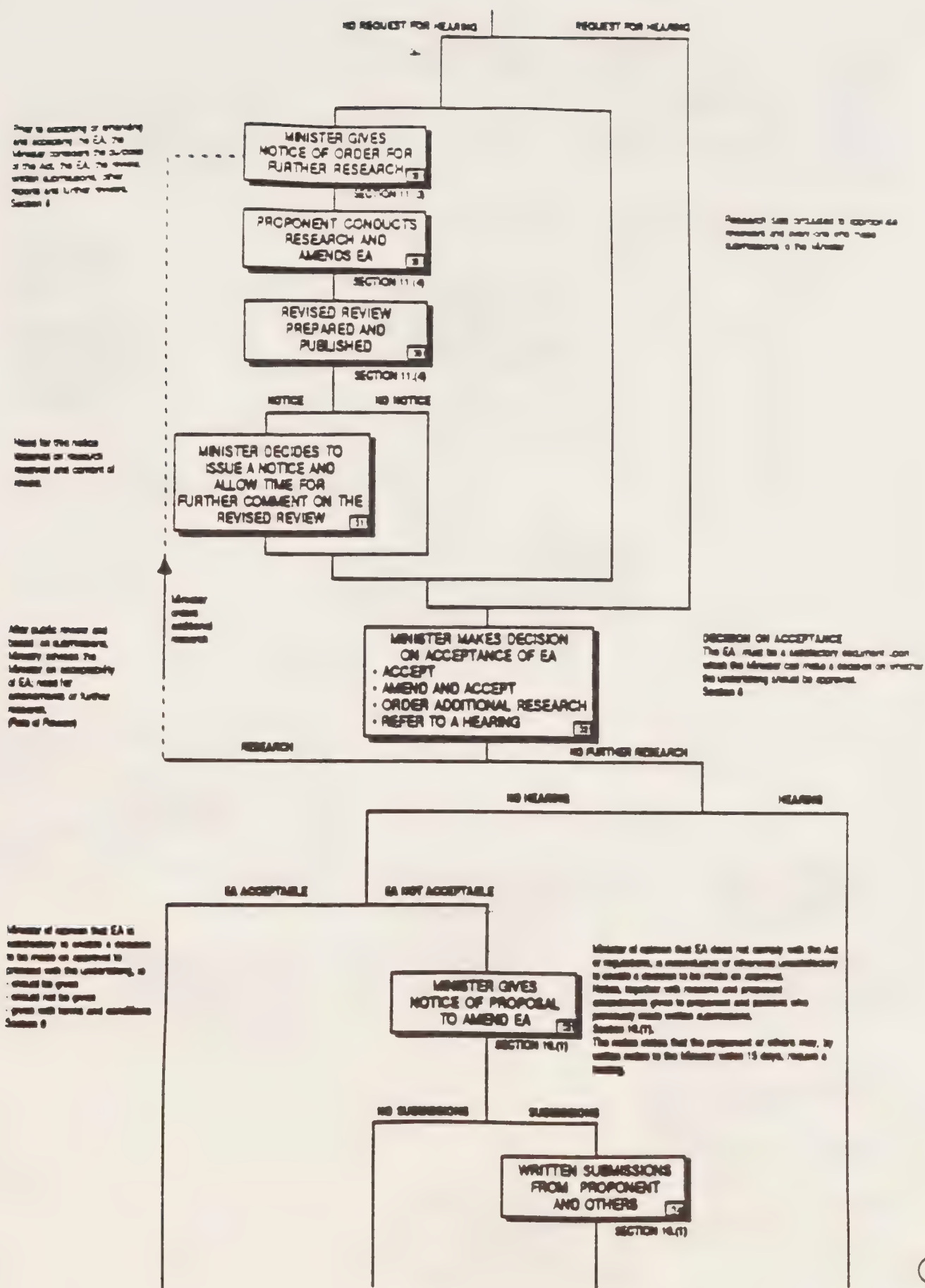
- description of undertaking;
- purpose;
- alternatives;
- description of affected environment, prediction of environmental effects and mitigation of all alternatives;
- evaluation of advantages and disadvantages of all alternatives.

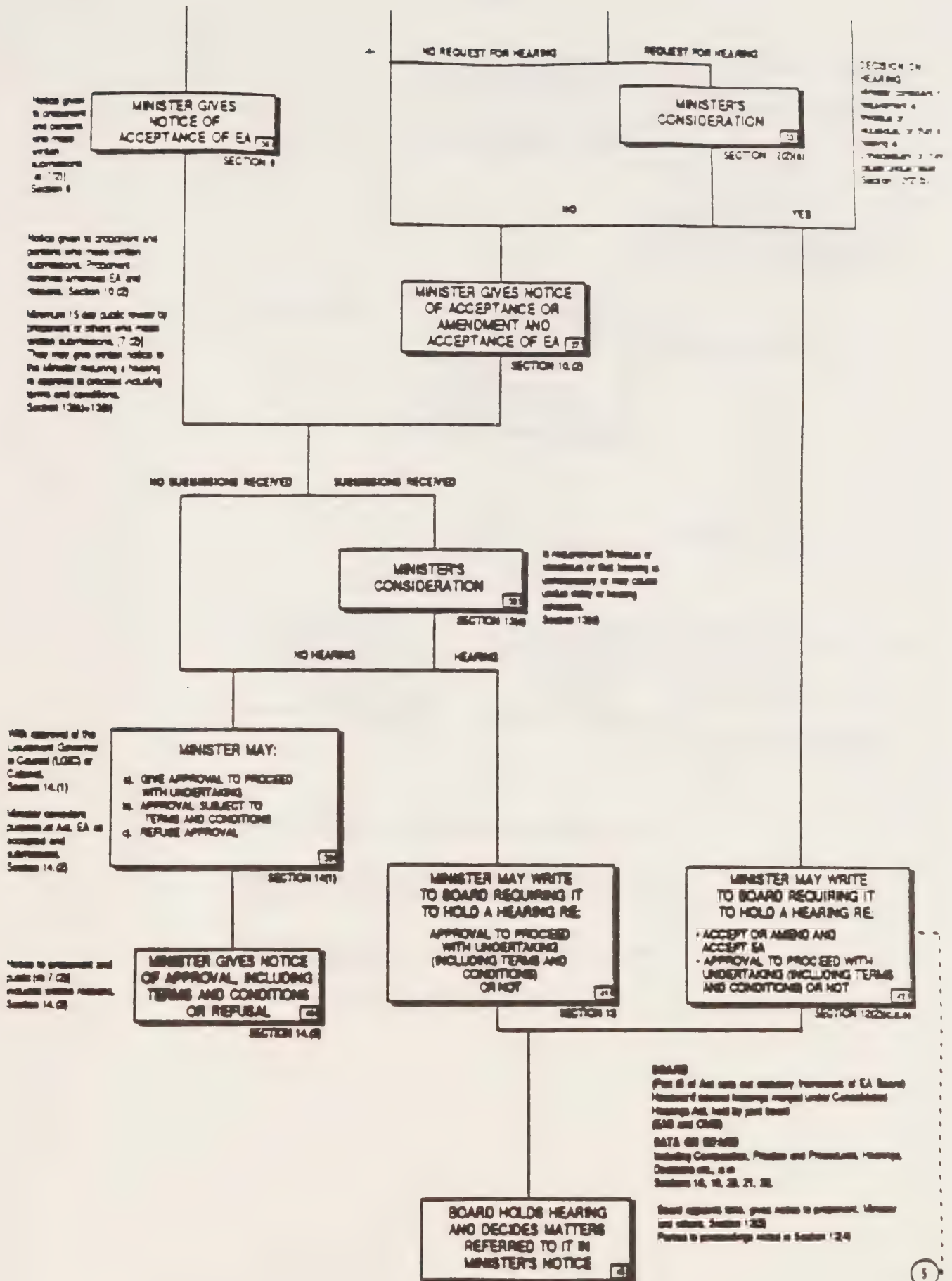
ROLE OF REVIEW OF EA. POLICY 05-01-01, NOV. 12, 1997.

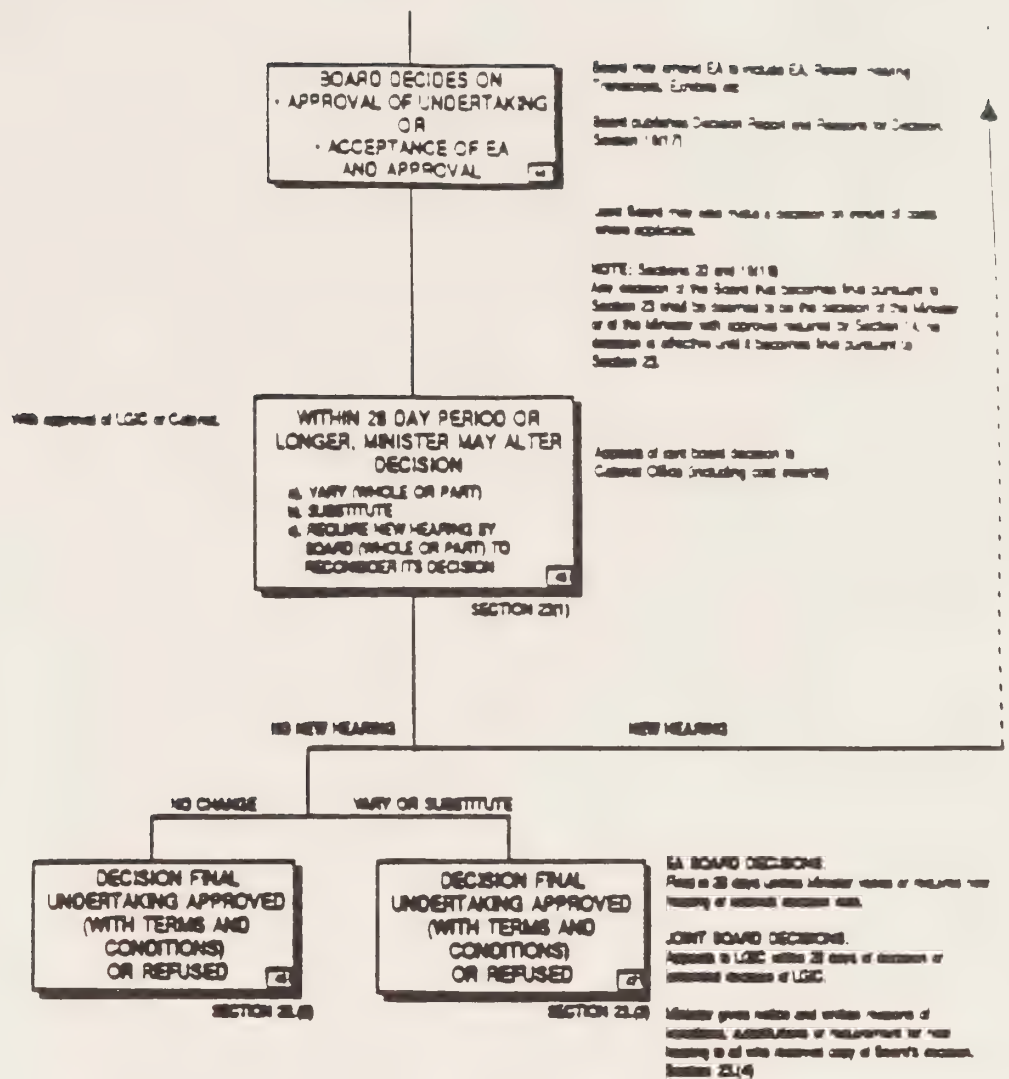
Provides an evaluation of the strengths and weaknesses of the proponent's planning process and understanding as contained in the EA, based on comments from the Government Review Team

- while the review is a direct role to the Minister's attention on acceptability of the EA, the Review of the Assessment does not accept recommendations on acceptability of EA or approval of the undertaking;
- enhancements or need for further research may be identified;
- revisions encouraged to assist proponent in addressing outstanding issues.









NOTE: Sections 15, 16 and 17 deal with proceedings under other Acts (SOPA, CRPA), effect of approval and where proposed projects to change the undertaking after EA acceptance or approval to proceed.

SECTION 23: Proponent notifies Minister of any significant changes to request of EA that has been accepted, or approved to proceed given.

SECTION 23: Procs related to failure to comply with order, term or conditions of an approval.



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